IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.17081 of 2007

DATED 23-8-2007

BETWEEN

Gorle Appa Rao and another.

.. Petitioners

And

The District Collector,
Visakhapatnam District and another.

.. Respondents

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO17081 of 2007

Oral Order:

The first petitioner is allegedly owner of land admeasuring Ac.2.47 cents in Survey No.1/12 of A.Sirasapalli Village, Sabbavaram Mandal, Visakhapatnam District. A D-Form Patta was granted in his favour in 1987. It appears, he raised teak plantation (50 teak trees) over an extent of Ac.1.21 cents. In 2006, he sold these 50 trees to the second petitioner and as required under Rule 24 of the A.P.Water, Land and Trees Rules, 2004, he submitted an application to the Tahsildar, Subbavaram Mandal seeking permission to cut and carry the teak trees. The Tahsildar, in turn, sent a report on 6.7.2007 to the first respondent requesting clarification as to whether the petitioner may be permitted to transport the teak trees. Alleging that the first respondent did not take necessary action on the report submitted by the second respondent, the present writ petition is filed.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General-A), two questions would arise. Whether it is necessary for an owner of the land to take permission to cut and transport trees and secondly whether it is necessary for the Tahsildar to seek clarification or permission from the first respondent.

The Act nowhere contains any provision, which requires permission to be taken for transporting the trees. Secondly, under Rule 10 of the Rules, the Mandal Revenue Officer is the ex officio Chairman of Mandal Authority for the purpose of A.P.Water Land and Trees Act, 2002 as well as the Rules. In such an event, this Court is not able to comprehend the rationale behind the second respondent seeking clarification from the first respondent. He himself is the statutory authority and, therefore, he should exercise power independently. If any person is aggrieved by the order of the Mandal Authority, an appeal is provided to the District Authority-the first respondent under Section 33 of the Act. Therefore, the writ petition is disposed of observing that the second respondent should immediately pass necessary orders on the application made by the petitioners seeking permission for cutting and transporting teak trees existing on the land admeasuring Ac.1.21 cents in Survey No.1/12. If any adverse order is passed thereon, it shall be open to the petitioners to prefer an appeal before the first respondent.

The writ petition is accordingly disposed of. No costs.

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V.V.S.RAO,J

Dated 23.8.2007
Note: Dispatch the order
by 27.8.2007.
B/o
msv